

**From:** [Celeste, Laurel](#)  
**To:** [Huggins, Richard](#)  
**Subject:** FW: <no subject>  
**Date:** Thursday, December 6, 2018 5:46:24 PM

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**From:** Green, Douglas H. <DHGreen@Venable.com>  
**Sent:** Friday, October 05, 2018 8:10 PM  
**To:** Celeste, Laurel <celeste.laurel@epa.gov>  
**Subject:** RE: <no subject>

Thanks Laurel. Have a good vacation!

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**From:** "Celeste, Laurel" <[celeste.laurel@epa.gov](mailto:celeste.laurel@epa.gov)>  
**Sent:** Oct 5, 2018 7:46 PM  
**To:** "Green, Douglas H." <[DHGreen@Venable.com](mailto:DHGreen@Venable.com)>  
**Subject:** no subject

Doug

As discussed the shortened legal analysis supporting EPA's interpretation is below:

The vacatur of 40 C.F.R. § 257.50(e) alone does not automatically bring legacy impoundments within the scope of the rule because these units are not covered by the regulatory provisions in §§ 257.50(b) or (c),

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Subsection (b) only applies the regulations to "new" and "existing" surface impoundments. Based on the definitions in 40 C.F.R. § 257.53, legacy units fit within neither definition because these units have not received waste after the rule's effective date. Subsection (c) is restricted to inactive surface impoundments at active utilities

As currently drafted, no other provision in 40 C.F.R. § 257.50 would bring legacy units within the scope of the rule

Enjoy the long weekend

Sent from my iPhone

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